

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File C.A. No.  
1:00-1898 (SAS)  
MDL 1358

The Honorable Shira A. Scheindlin

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This document relates to:

*Orange County Water District v. Unocal Corp., et al. (04 Civ. 4968)*

**DECLARATION OF SHARI LONDON**

I, Shari London, hereby declare:

1. I am a Site Manager in the Risk Management and Remediation group of ConocoPhillips Company ("ConocoPhillips"), a defendant in this litigation. I have been an employee of ConocoPhillips since January 2003. Prior to joining ConocoPhillips, I had fourteen years of related experience in the retail petroleum industry, in environmental consulting, remediation management, Underground Storage Tank System ("UST") construction and maintenance. I was the Site Manager of Unocal #5792 from January, 2003 until approximately December, 2004.

2. The facts set forth herein are based upon my personal knowledge and my review of files and documents regarding Unocal #5792, located at 4002 Ball Rd., Cypress, CA, and Unocal #5226, located at 6322 Westminster Ave., Westminster, CA. If called upon to testify to these facts, I could and would competently do so.

3. My deposition was taken in this case on February 17-18, 2008, as the person most knowledgeable about several ConocoPhillips sites, including Unocal #5226 and Unocal #5792. In the context of that deposition, I thoroughly reviewed ConocoPhillips's files and documents related to these sites and I was prepared and did testify about facts related thereto.

4. Hayk Bazik was the dealer at Unocal #5792 from prior to April 1, 1997, until June 6, 2003. During his tenure as dealer, Mr. Bazik was responsible for the day-to-day operation of the station.

5. Musa Samawi was the dealer at Unocal #5792 from June 6, 2003, through December 31, 2003. During his tenure as dealer, Mr. Samawi was responsible for the day-to-day operation of the station.

6. I have never received any complaints, comments, or suggestions from Orange County Water District or its representatives concerning the need for additional or different remedial actions at Unocal #5792 or Unocal #5226.

7. Remediation is ongoing at Unocal #5792 and is proceeding under the oversight of the Orange County Health Care Agency ("OCHCA"). To my knowledge, ConocoPhillips is in compliance with all OCHCA directives concerning this site. I see no reason why Unocal #5792 will not successfully be brought to closure.

8. In May 2010, Conestoga-Rovers & Associates ("CRA") submitted a Closure Request to OCHCA for Unocal #5226 on behalf of ConocoPhillips, requesting environmental case closure and a finding that no further action is required by ConocoPhillips relating to the petroleum release at the site. Remediation has proceeded at this site under the oversight of OCHCA. To my knowledge, ConocoPhillips is in compliance with all OCHCA directives concerning Unocal #5226. I see no reason why Unocal #5226 will not successfully be brought to

closure. Attached hereto as Exhibit A is a true and correct copy of excerpts from the May 10, 2010 Closure Request for Unocal #5226 submitted to OCHCA.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and ability. Executed this 14 th day of March, 2011, in Santa Ana, California.

  
Shari London



**CONESTOGA-ROVERS  
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## TRANSMITTAL

DATE: May 10, 2010 REFERENCE NO.: 053947  
76 Station #5226  
6322 Westminster Avenue  
PROJECT NAME: Westminster, CA

TO: Ms. Julie Wozencraft  
Orange County Health Care Agency  
Hazardous Materials Mitigation  
Environmental Health Division  
1241 East Dyer Road, Suite 120  
Santa Ana, CA 92705

Please find enclosed: ☐ Draft ☒ Final  
☐ Originals ☐ Other  
☐ Prints

Sent via: ☒ Mail ☐ Same Day Courier  
☐ Overnight Courier ☐ Other

QUANTITY	DESCRIPTION
1	Closure Request


☐ As Requested ☒ For Review and Comment  
☐ For Your Use ☐

### COMMENTS:

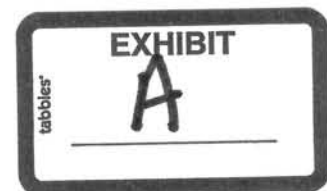
If you have any questions regarding the contents of this document, please Angela Ribeiro at  
(949) 648-5211

Copy to: Mr. Daryl Pessler, ConocoPhillips (Electronic)  
Ms. Nancy Olson-Martin, California Regional Water Quality Board

Completed by: Angela Ribeiro

Signed: 

Filing: Correspondence File





## **CLOSURE REQUEST**

**76-BRANDED SERVICE STATION  
STATION NO. 5226  
6322 WESTMINSTER AVENUE  
WESTMINSTER, CALIFORNIA**

**OCHCA CASE NO. 84UT021**

**MAY 10, 2010**

**REF. NO. 053947 (5)**

This report is printed on recycled paper.

**Prepared by:  
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## 1.0 INTRODUCTION

Conestoga-Rovers & Associates (CRA), on behalf of ConocoPhillips Company (COP), is submitting this *Closure Request* for the 76-branded Station No. 5226 located at 6322 Westminster Avenue, Westminster California (Site) (Figure 1). This report describes the previous environmental assessment, remedial efforts, and presents our conclusions and recommendation for environmental case closure.

The Site currently operates as a service station located on the southeast corner of the intersection of Westminster Avenue and Willow Lane in Westminster, California. The current environmental case (Regional Water Quality Control Board – Santa Ana Region (RWQCB-SA) case number 083001779T, Orange County Health Care Agency (OCHCA) case number 84UT021) opened for the Site in December 1984, when dissolved-phase hydrocarbons were detected during underground storage tank (UST) replacement activities. During that time, one diesel and two gasoline USTs were replaced (Leighton and Associates, Inc. [L&A], 1985). In January 1994, the product lines, vapor lines, and electrical wiring were replaced when the dispenser islands were rebuilt (L&A, 1994). In September 1996, a waste-oil UST, clarifier, and two hydraulic hoists were removed, and the product piping and dispensers were relocated during station improvement activities (Tait Environmental Management, Inc. [TEM], 1996).

Currently, the Site consists of a convenience store, two gasoline USTs, one diesel UST, and six dispenser islands with associated product piping. The Site is surrounded primarily by commercial and industrial businesses. Magnetic Metals (an industrial facility) is located south, a billiards facility is located east, a fast food restaurant and motel are located on the west side of Willow Lane, Thrifty Oil Station No. 368 (RWQCB-SA case number 083001054T, OCHCA case number 88UT166) is located across Westminster Boulevard to the north, and Westminster Square (shopping center) is located to the northeast. We understand that the Site is expected to remain as an operating service station and no renovation plans exist.



## 6.0 CONCLUSIONS

- The sources of petroleum hydrocarbons in soil have been removed during excavations conducted for Site station upgrades in 1984 and 1996.
- MTBE is below the California Secondary MCL of 5.0 µg/L for all Site groundwater monitoring wells.
- Historical groundwater data indicate that the conversion of MTBE to TBA is complete and any remaining TBA will become further biologically degraded through dispersion and dilution within a reasonable time frame (<50 years).
- BTEX is below the California Primary MCLs for on-Site groundwater monitoring wells MW-1, MW-2, MW-5 through MW-14, and MW-16 through MW-17.
- Historical high concentrations of TPHg detected in MW-15 are much greater than historical high concentrations of TPHg detected in up-gradient MW-7 located on-Site.
- The source of the dissolved-phase petroleum hydrocarbon plume, in the vicinity of off-Site well MW-15 has likely originated from the up-gradient Thrifty service station to the north based on the groundwater flow direction, and the highest concentrations of petroleum hydrocarbons in groundwater and soil up-gradient and off-Site.
- The subsurface utilities and non-native fill material surrounding utilities at the intersection of Westminster Avenue and Willow Lane provide a conduit and preferential pathway from the Thrifty service station to off-Site monitoring well MW-15.
- Any remaining residual hydrocarbons in soil are unlikely to migrate or leach into groundwater, create a future vapor hazard, or pose a significant future risk to off-Site receptors, on-Site human health, local surface water, or existing adjacent properties.

## 7.0 RECOMMENDATIONS

Based on all recent and historical data, source removal, and negligible potential environmental risk to on- and off-Site receptors, CRA recommends environmental case closure with no further action required.